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SENSITIVE

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SUBJECT: GOC RESOLUTION SIGNED ON SPRAYING IN COLOMBIA'S NATIONAL PARKS

[1](#)1. (SBU) SUMMARY: On August 17, Colombia signed a resolution to authorize spraying in national parks if four conditions are met. The first park under consideration for spraying is "La Macarena," located in southeast Colombia; it has been under the effective domination of the FARC for years and has large areas of mature coca, six feet high plants producing up to five harvests a year. The Embassy would like to initiate spraying in the park By October 1. The Embassy asks that the Department begin consultations with the Hill to comply with relevant U.S. ACI legislation. END SUMMARY.

THE RESOLUTION

[1](#)2. (SBU) On August 17, Colombia's Chairman of the National Council of Controlled Substances (CNE in Spanish), Minister of Justice and the Interior Sabas Pretelt, signed an August 5 CNE resolution authorizing him to approve aerial spraying with glyphosate in specific national parks, based on four conditions. The resolution is principally based on Article 91 of Law 812 from 2003, which assigns the CNE the responsibility of destroying illicit crops using the most appropriate means, while ensuring the safety and health of local populations and the environment. Post is translating the resolution and will forward it to Washington.

THE FOUR STEPS

[1](#)3. (SBU) Four steps are required for spraying in each national park:

[1](#)A. (SBU) There must be an evaluation of the park by the Counternarcotics Police (DIRAN) in consultation with other ministries and entities as necessary. We understand that this will look at socio-economic factors, cultural factors, ethnic factors, and environmental factors. The evaluation will form the baseline for any future claims or accusations of damage from aerial spraying.

[1](#)B. (SBU) There must be consultation with any indigenous communities resident in the park by the National Directorate for Controlled Substances (DNE), which is the technical/administrative arm of the CNE. Colombian law does not require the GOC to accept their suggestions or petitions, only to consult. Consultations have been done in the past outside of the parks and have generally gone very well.

[1](#)C. (SBU) DIRAN must certify that illicit cultivation exists in the park and that it is increasing. DIRAN information, information from the Crime and Narcotics Center (CNC), and information from the UN's Integrated Monitoring System for Illicit Cultivation (SIMCI in Spanish) demonstrate that cultivation is increasing in the parks. Overflights and anecdotal information also indicate that cultivation in the parks is increasing.

[1](#)D. (SBU) The DIRAN also must report on the security situation in the park to compare the security risks of aerial and manual eradication. If appropriate, the DIRAN can address topographical characteristics to describe how they may impede manual eradication. One indicator may be that the Colombian National Police (CNP) has previously asked the Army to provide security in the national parks for manual eradication and has been denied.

CNE PRESIDENT'S APPROVAL

[1](#)4. (SBU) Pretelt has expressed his support for spraying in the national parks. The Embassy believes that once the four steps have been fulfilled for a specific park, Pretelt will authorize spraying.

THE PARK UNDER CONSIDERATION

[1](#)5. (SBU) The primary national park under consideration is

the "Parque Sierra de La Macarena" located in the southeastern departments of Meta and Guaviare, just north of the "Plan Patriota" operational area. The park has been under control of the FARC for years, is one of the embassy's favorite overflight targets when we want to show visitors massive fields of mature coca, with plants up to six feet tall and with up to five harvests per year. There are no indigenous communities living within "La Macarena's" boundaries. "La Macarena" is believed to be the park least suited for manual eradication due to the heavy FARC presence and the difficult terrain and access. The CNC found 3,500 hectares of coca in "La Macarena" in 2004. This is 53 percent of the 6650 hectares observed by the CNC. DIRAN's internal estimates for this park are 3,797 hectares. SIMCI's estimates for 2004 in this park are 2,707 hectares. While lower than the other two estimates, this latest SIMCI estimate is an increase of 76 per cent compared to the 1,152 hectares estimated by SIMCI in 2003.

POSSIBLE OPPOSITION

16. (SBU) The CNE resolution is essentially an executive action. Interested parties could file a motion to annul the resolution with the Administrative Tribunal of Cundinamarca, which can support it, halt action, or refer it to the highest administrative court in Colombia, the "Consejo del Estado" (State Council). Legal experts believe an outright halt is unlikely since the resolution implies no "flagrant" contradiction or abuse of the constitution. In the past, an NGO called "Colectivo de Abogados" (The Lawyers' Collective) has filed motions against aspects of the spray program, but never could shut it down. Legal experts estimate that a motion or appeal to annul the resolution would take at least a year and probably longer. While it is possible under Colombian law that such action would halt the park spraying operations, Embassy lawyers believe that a court mandated halt to spraying is an unlikely outcome.

THE TIMELINE

17. (SBU) The DIRAN, CNE, and DNE want to begin spraying as soon as possible. President Uribe fully supports spraying in the national parks. The DIRAN and DNE employees who will be doing the technical work believe that they can complete the necessary steps by October 1, although that may be optimistic.

WASHINGTON CONSULTATIONS NEEDED

18. (SBU) Embassy supports spraying in "La Macarena" as soon as possible. The 2005 ACI legislation prohibits using ACI-funded equipment and assets to spray in Colombia's national parks without first satisfying certain requirements. Post asks that Department begin Congressional consultations to comply. Embassy recommends that consultations begin immediately.

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